

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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PAUL LATHAM,

Plaintiff,

Case No. 1:06-CV-150

v.

Hon. Gordon J. Quist

ROGER PATE, et al.,

Defendants.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on December 28, 2006. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed December 28, 2006, is approved and adopted as the opinion of the court. Defendants' motion for summary judgment is **GRANTED**. Plaintiff's claims under 42 U.S.C. § 1983 are dismissed for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). Plaintiff's supplemental state law claims are dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

**IT IS FURTHER ORDERED** that there is no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 144 F.3d 601, 611 (6th Cir. 1997).

Dated: January 18, 2007

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE